

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**MONDAY, FEBRUARY 1, 2010.**

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Monday, February 1, 2010.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we begin the first day of a new month with a prayer for Your guidance as we take up the legislative matters which are before us this day. In Your goodness, inspire us to make legislative decisions and to select legislative options which are in accord with right reason and Your ways and precepts. In these difficult and uncertain times, may our hearts and minds be filled with hope, joy and truth as we work together in building a peaceful, prosperous and ethical society. Grant us the wisdom to encourage all people, especially our young people, to recognize and to utilize their personal intellectual talents and special personal gifts in their search for direction, meaning and success in life. As a people and nation we thank You for our past blessings and humbly ask for the wisdom to maximize our present opportunities. May we remain faithful to our ideals and lofty goals.

Grant Your blessings to the Speaker, the members and employees of this House and their families.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Prayer.

Pledge of  
allegiance.

## *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Poirier of North Attleborough and Bowles of Attleboro) on the occasion of the observance of National Catholic Schools Week by Bishop Feehan High School in Attleboro;

Resolutions (filed by Representatives Poirier of North Attleborough and Bowles of Attleboro) on the occasion of the observance of National Catholic Schools Week by Saint John's School in Attleboro;

Resolutions (filed by Mrs. Poirier of North Attleborough) on the occasion of the observance of National Catholic Schools Week by Saint Mary's/Sacred Heart School in North Attleboro;

Resolutions (filed by Representatives Poirier of North Attleborough, Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) on the occasion of the observance of National Catholic Schools Week by Coyle and Cassidy High School in Taunton;

Resolutions (filed by Representatives Poirier of North Attleborough, Fagan of

Attleboro,—  
Bishop Feehan  
High School.

Attleboro,—  
St. John's School.

North Attleboro,—  
St. Mary's/Sacred  
Heart School.

Taunton,—  
Coyle and Cassidy  
High School.

Taunton,—

Taunton, Haddad of Somerset and Canessa of New Bedford) on the occasion of the observance of National Catholic Schools Week by Taunton Catholic Middle School in Taunton; and

Catholic Middle School.

Resolutions (filed by Representatives Poirier of North Attleborough, Fagan of Taunton, Haddad of Somerset and Canessa of New Bedford) on the occasion of the observance of National Catholic Schools Week by Our Lady of Lourdes School in Taunton;

Taunton,—  
Our Lady of  
Lourdes School.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. O'Day of West Boylston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Communications.*

*Communications*

From the Department of Elementary and Secondary Education (under Section 1J of Chapter 69 of the General Laws, as amended by Section 39 of Chapter 12 of the Acts of 2010) soliciting public comment on a proposed amendment to 603 CMR 2.00, Regulations on Under-Performing Schools and School Districts [copies of such communication were made available to the joint committee on Education, as required by said law]; and

Achievement  
gap education  
reform.

From the Division of Unemployment Assistance (under the provision of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for January, 2010.

Unemployment  
Trust Fund.

Severally were placed on file.

*Petitions.*

Petitions severally were presented and referred as follows:

By Ms. Benson of Lunenburg, petition (subject to Joint Rule 12) of Jennifer E. Benson and Jennifer Flanagan relative to the sewer service area for the town of Lunenburg; and

Lunenburg —  
sewer service.

By Mr. Toomey of Cambridge, petition (subject to Joint Rule 12) of Timothy J. Toomey, Jr., Anthony W. Petrucelli and others relative to authorizing the Department of Conservation and Recreation to enter into a agreement with the city of Cambridge; and

Cambridge,—  
land

Severally referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

A Bill to regulate the use of off highway recreation vehicles (Senate, No. 2257) (on Senate bill No. 2251), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Off highway  
vehicles.

A petition (accompanied by bill, Senate, No. 2255) of Marc R. Pacheco and Susan Williams Gifford (by vote of the town) for legislation to authorize a property tax exemption for certain small sheds and outbuildings in the town of Carver, was referred, in concurrence, to the committee on Revenue.

Carver,—  
tax exemption.

*Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on a petition of Denis E. Guyer for legislation to regulate the development of land acquired for natural resource and conservation purposes. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Conservation  
land,—  
development.

By Ms. Wolf of Cambridge, for the committee on Elder Affairs, on House, No. 3805, a Bill addressing LGBT elder inclusion (House, No. 4461).

LGBT elder  
inclusion.

By Mr. Wagner of Chicopee, for the committee on Transportation, on Senate, Nos. 1906 and 1984 and House, Nos. 3152, 3160, 3259, 3316, 3354, 3361, 4015 and 4029, a Bill relative to distracted driving (House, No. 4460).

Distracted driving.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Wagner of Chicopee, for the committee on Transportation, on Senate, No. 1978 and House, Nos. 3265, 3267 and 3643, a Bill relative to speed limits (House, No. 3643).

Speed limits.

By the same member, for the same committee, on a petition, a Bill relative to red and blue flashing, rotating or oscillating lights (House, No. 3301).

Vehicles, — red  
and blue lights.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Elizabeth J. Lynch, an employee of the Department of Children and Families (House, No. 4464). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Elizabeth Lynch, —  
sick leave.

Subsequently, Mr. Kafka of Stoughton, for said committee, reported that the matter be placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill designating the walking path along Lynn Shore Drive at Red Rock Park in the city of Lynn as the Senator Walter J. Boverini Scenic Walkway (Senate No. 407); and

Boverini  
Walkway.

House Bills

Relative to overall vehicle length (House, No. 3790);

Vehicle length.

Designating a certain bridge in the city of Fall River as the Louis Phillip Gagne Jr. bridge (House, No. 4274); and

Fall River,—  
Gagne bridge.

Making gun law violations subject to dangerousness hearing determinations (House, No. 4428);

Dangerousness  
hearings.

Severally placed in the Orders of the Day for the next sitting for a second reading.

*Emergency Measure.*

The engrossed Bill relative to vocational education (see Senate, No. 253, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Vocational  
education.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 5 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Engrossed Bills*

Engrossed bills

Naming a certain bridge in the city of Malden as the Joseph E. Croken Memorial Bridge (see House, No. 3210) ; and

Bills  
enacted.

Relative to the collection of unpaid municipal fines (see House, No. 3588)

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next  
sitting.

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At eighteen minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M.